

Appl. No. 10/758,154

Amdt. dated March 28, 2007

Reply to Office action of November 29, 2006

Amendments to the Drawings:

The attached replacement drawings include a full set of corrected drawings to comply with the formal objections in the Official Action.

Sheet No. 2 includes changes to Fig. 2. In Figure 2, previously omitted reference numeral 37 has been added.

Sheets 1 and 3-7 are not amended.

Attachment: Replacement Sheets

REMARKS

Reconsideration of this application is respectfully requested.

Applicants acknowledge with appreciation the Examiner's indication that claims 13, 14, and 16 are allowed; claims 28 and 29 would be allowable if rewritten to overcome objections; and claims 8, 10-12 and 15 would be allowable if amended to overcome a rejection under § 112, second paragraph.

The drawings were objected to because of numeral size, because item 180 was not mentioned in the text, and because item 37 was not labeled in the drawings. Formal drawings are submitted herewith, with correct character sizes. Paragraph [0034] is amended to mention channel 180. Support for the amendment is provided by FIG. 3 which shows the channel. The reference numeral 37 is added to FIG. 2, to label the siding accessory, which was shown in FIG. 2 and described in paragraph [0038]. Withdrawal of the objection to the drawings is respectfully requested.

The specification was objected to at paragraphs [0032] and [0038]. The specification is amended to obviate the objections. Withdrawal of the objections to paragraphs [0032] and [0038] is respectfully requested.

Claims 1 and 28 were objected to because of informalities. Claims 1 and 28 are amended as suggested by the Examiner. Claim 29 was objected to as not further limiting claim 13. Claim 29 is amended to recite, "a crown molding or a cove molding," which is not recited by claim 13. Withdrawal of the objections to the claims is respectfully requested.

Claims 4, 5, 8, 10-12, 15 and 22-26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 4 referenced an "attachment edge portion," but claim 1 references an "attachment portion." Claim 4 is amended to refer to "the attachment portion," which is the term used

throughout claims 1 and 17. The claim is also amended to correct the antecedent basis for the attachment portion. Thus, consistent terminology is now used throughout the claims, and claim 4 is sufficiently definite to satisfy § 112.

Claim 8 was rejected for reciting both a broader and narrower range of structures. Claim 8 is amended to specify the subject matter of original claim 9, which is consistent with the interpretation of the claim by the Examiner.

Claims 22 and 26 were rejected because they contained a negative limitation. Although the M.P.E.P. § 2173.05(i) specifically states that negative limitations are permissible, applicant has amended claim 22 to more clearly indicate the claimed subject matter. The Action questions whether claim 22 is infringed if a separate piece is later installed to cover the vent apertures. Amended claim 22 recites, "the vent apertures are hidden from the view of all observers outside of the building upon installation of a siding accessory and a soffit accessory, while no separate piece of molding has been installed to cover the vent apertures." Upon installation, the trim system in claim 22 is hidden from all observers while no separate piece of molding has been installed. It is irrelevant to amended claim 22 whether an infringer later covers the system with a separate molding. Claim 22 covers a method in which the vent apertures are hidden (from view of all observers located outside the building) while no separate molding piece is installed. Thus, in an infringing method, if the vent apertures are hidden from the view of all observers outside of the building while no separate molding piece has been installed to cover the vent apertures, then the infringement occurs regardless of whether a separate piece is subsequently installed. One of ordinary skill can readily understand whether the vent apertures are hidden while no separate molding piece has been installed, and readily determine whether any method would fall within the features of claim 22. Therefore, amended claim 22 is sufficiently definite to satisfy the statute.

Claims 1, 3-7, and 17-20 were rejected under 35 U.S.C. § 102 as being anticipated by US 6,421,964 (Schiedegger et al.).

In rejecting claims 1 and 17, the Examiner alleges that the horizontal portion of piece 28 of the Shiedegger patent (US 6,421,964) is an attachment portion, and that the portion 24 is a soffit receiver component separate from the attachment portion. Claims 1 and 17 have been amended to require that the attachment edge portion has attachment apertures, and the vent apertures are separate from the attachment apertures. As best seen in FIGS. 15 and 17 of Shiedegger, Shiedegger's apparatus 18 does not have any attachment apertures in the horizontal portion of piece 28. Therefore, piece 28 cannot be the attachment portion with attachment apertures as claimed in claims 1 and 17, wherein the vent apertures are separate from the attachment apertures.

Schiedegger et al. neither disclose nor suggest the features of claim 1. Schiedegger's apertures are mounting apertures, positioned on the portion 24 of Schiedegger's accessory. Schiedegger's apertures are positioned so that they inherently become blocked by the building surface to which the attachment portion is attached. Schiedegger's apertures are suitable for mounting, but are positioned on the accessory in a location (i.e., the attachment portion) that precludes their use as vent apertures.

The Action labels the horizontal portion of piece 28 as an attachment portion in order to avoid calling the portion 24 an attachment portion. However, in view of the amendments to claims 1 and 17, the horizontal portion of piece 28 cannot be the attachment portion claimed by applicant.

Therefore, claims 1 and 17 are not anticipated by Schiedegger. The rejection of claims 1 and 17 should be withdrawn.

Claims 3-7 are dependent on claim 1, and should be patentable for the same reason as claim 1. Claim 17 has also been amended to include similar features to the features added to claim 1. Claims 18-20 are dependent on claim 17. Therefore, claims 1, 3-7 and 17-20 should all be allowable.

The Action states that the term, "aesthetic component" does not structurally define over the reference. Claim 3 has been amended to recite, "a crown molding or cove molding." Support is provided in paragraph [0030]. Shiedegger neither discloses nor suggests a crown or cove molding formed from the same piece of material

Claim 2 was rejected under 35 U.S.C. § 103 as being unpatentable over Schiedegger et al. in view of Bachman. Bachman was cited for disclosing a PVC bracket, but fails to cure the deficiencies of Schiedegger et al. with respect to the features of base claim 1. Therefore, the combination of Schiedegger et al. and Bachman fails to disclose or suggest claim 2, and the rejection of claim 2 should be withdrawn.

Claims 21 and 25 were rejected under § 103 as being unpatentable over Shiedegger in view of Olson (US 2,809,728). Olson was cited for showing a siding accessory. However, Olson fails to cure the deficiency of Shiedegger with respect to the features of base claims 17 and 22. Therefore, claims 21 and 25 should be patentable for the same reasons as claim 17 and 22, respectively.

Claims 22-24 and 26 were rejected under 35 U.S.C. § 103 as being unpatentable over Schiedegger et al.

Claims 22 and 26 are amended to require, "the vent apertures are hidden from the view of all observers outside of the building upon installation of a siding accessory and a soffit accessory, while no separate piece of molding has been installed to cover the vent apertures."

Schiedegger neither discloses nor suggests this feature. Schiedegger teaches that a molding member 20 is inserted into Schiedegger's hanger assembly, and the molding member 20 covers up the mounting apertures 48, 49. Until a separate piece of molding is installed to cover up the mounting apertures 48, 49, Shiedegger's apertures are clearly visible to an observer outside of the building, with a line of sight to the front of the apparatus, and are not hidden from all observers outside of the building. Thus all of Schiedegger's mounting apertures are only hidden from view when they are covered up by separate molding, or if an observer is positioned at a very specific location where a small projection at the bottom of the apparatus can block the line of sight.. Schiedegger neither discloses nor suggests a method that includes hiding venting apertures from all observers while a separate molding piece has not been installed to cover up the apertures.

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The Action argues that the apertures in Shiedegger are inherently hidden from below by a horizontally extending portion of channel 29. However, Shiedegger's apertures are not hidden from the view of all observers outside of the building. Only an observer located in a very specific spot would have the small projection block the line of sight so as to hide the mounting apertures, whereas Shiedegger's apertures would be plainly visible to all other observers positioned elsewhere while no separate dental molding piece has been installed to cover the apertures.

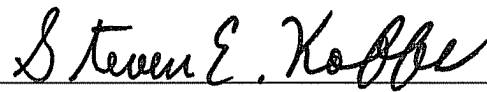
Therefore, amended claims 22 and 26 should be allowable. Claims 23-25 are dependent on claim 22, and should be patentable for at least the same reasons.

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

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